

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claim 11 is cancelled, claims 12-17 are added, and claims 1-10 remain in this application as amended herein. Accordingly, claims 1-10 and 12-17 are submitted for the Examiner's reconsideration.

Claims 2-7 and 9-10 have been amended solely to have the claims better conform to the requirements of U.S. practice. No new matter has been added by these amendments.

In the Office Action, the Examiner rejected claims 1-3 and 8 under 35 U.S.C. § 102(b) as being anticipated by Russo (U.S. Patent No. 5,619,247). Claims 1 and 8 have been amended to include limitations previously called for in cancelled claim 11 which the Examiner rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Walters (U.S. Patent No. 5,440,334). It is submitted, however, that the claims are patentably distinguishable over the cited references.

The Russo patent is directed to a pay-per-play system in which video, audio and other programs are stored at a subscriber site for later playback. As acknowledged by the Examiner, Russo does not disclose or suggest a broadcast signal that includes repeating data and does not disclose or suggest separating one period of data from the repeating data.

The Walters patent is concerned with providing VCR-like control over transmitted video programs. A library of time compressed programs are repeatedly transmitted as a repeating sequence of bursts. Alternatively, each program is divided into segments, and first segments of each of the programs are transmitted as a sequence of bursts, then second segments of the programs are transmitted as bursts, etc., until all of the segments are transmitted, and then the above steps are repeated. A VID monitor receives the transmitted segments and stores the segments of a program ordered by a subscriber so

that the entire program is available for decompression and playback. (See Figs. 1 and 2; col. 2, line 67 - col. 3, line 31; and col. 6, lines 10-41). Though Walters describes a VID monitor that receives and stores the transmitted segments of a given program, the patent does not disclose or suggest that the VID monitor *restores the repeating sequence* of segments.

Therefore, neither Russo nor Walters suggests:

said distributed information storage unit being further operable to read the one period of data from the data storage device in response to a received command, to restore the repeating data using the one period of data, to generate a menu frame of items associated with the one period of data, to convert the menu frame into menu data having a format that can be used by the browser, and to deliver at least one of the repeating data and the menu data to said reception processor

as called for in claim 1.

It follows that neither Russo nor Walters, whether taken alone or in combination, discloses or suggests the digital signal receiver defined in claim 1, and claim 1 is patentably distinct and unobvious over the references.

Claims 2-3 depend from claim 1 and each further defines and limits the invention set out in the independent claim. It follows that each of claims 2-3 is patentably distinguishable over the cited references for at least the same reasons.

Independent claim 8 defines a digital signal display method and calls for:

restoring the repeating data using the one period of stored data[.]

Therefore, claim 8 is patentably distinguishable over Russo and Walters for at least the same reasons.

The Examiner also rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Logan (U.S.

Patent No. 5,732,216). It is submitted, however, that the claim is patentably distinguishable over the references.

Claim 4 depends from claim 1 and is therefore distinguishable over Russo and Walters for at least the reasons described above.

The Logan patent describes a system for the dissemination of audio recording information in which a subscriber downloads program segments arranged in a provisional order. Before playback, the subscriber can review and alter the provisional program selections and their sequence. (See Fig. 2; and col. 7, lines 35-50). The patent is not concerned with a broadcast signal that includes repeating data and therefore does not remedy the deficiencies of Russo and Walters.

Claims 5-6 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Boyle (U.S. Patent No. 6,118,870). It is submitted that the claims are patentably distinguishable over the cited art.

Claims 5 and 6 depend from claim 1, and claims 9 and 10 depend from claim 8. Therefore, claims 5, 6, 9 and 10 are each distinguishable over Russo and Walters for at least the same reasons.

The Boyle patent describes a publisher station that encrypts data and a DES key before their transmission to a subscriber station in which the key and the data are decrypted. (See Figs 1 and 3; col. 3, line 53 - col. 4, line 38). Boyle is not concerned with receiving a broadcast signal that includes repeating data, and therefore the patent does not address the deficiencies of Russo and Walters.

The Examiner also rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Martinez (U.S. Patent No. 4,928,177). It is submitted that claim 7 is patentably distinguishable over the references.

Claim 7 depends from claim 1 and is therefore distinguishable over Russo and Walters for at least for the same reasons.

The Martinez patent describes a two-way broadcast network in which a television signal is used for high data rate forward communication and an AM radio signal is used for low data rate return communication. The data may be sent, e.g., over a conventional television channel during normally off hours. (See col. 11, lines 49-62). Martinez is not concerned with repeating data and thus does not address the deficiencies of the Russo and Walters patents.

Also, as noted above, the Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Walters. Claim 11 is cancelled.

Accordingly, the withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

New claims 12-14 depend from claim 1, and new claims 15-17 depend from claim 8. It follows that each of these claims is distinguishable over the cited art for at least the same reasons. Support for new claims 12 and 15 is found in, e.g., Fig. 1 and in paragraphs [0027] and [0031] of the specification. Support for new claims 13-14 and 16-17 is found, e.g., in Fig. 1 and in paragraphs [0030], [0037], [0040], [0050], [0052] and [0055] of the specification.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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